

Claim 80, line 1, delete "73" and substitute --77-- therefore.

Claim 82, line 14, delete "first" and substitute --second-- therefore; and
line 15, delete "second" and substitute --first-- therefore.

Claim 83, line 1, delete "first" and substitute --second-- therefore.

Claim 87, line 1, delete "82" and substitute --86-- therefore.

Claim 88, line 1, delete "first" and substitute --second-- therefore

Claim 89, line 1, delete "82" and substitute --86-- therefore.

REMARKS

Certain ones of Claims 1-90 have been rejected under 35 U.S.C. 112 and/or under 35. U.S.C. 103(a) and the Examiner has required submission of a new declaration. The indication of allowability of certain of the claims is appreciated. The applied references and grounds of rejection have been carefully considered. A substitute declaration including explanation of the inventorship and relationship of this application to the parent application will be submitted in due course, and the above presented amendments respond to the rejections made under 35 U.S.C. 112 and make further corrections that became apparent upon review of the claims. No new matter has been introduced as a result of this amendment. Entry of the amendments and reconsideration and withdrawal of these rejections is requested.

The dependencies of certain of the claims has been changed to provide the antecedent basis in the claims that they now depend from for the expressions "the solid reactive material", "the binder material", and "the conductivity enhancer".

In the claims as originally, the modifiers "first" and "second" appear to have been consistently reversed. In part (a) of each independent claim the "strip of alkali metal" of the anode is recited as having a "first length and first height", and the anode current collector is recited as having a "second length and second height". In part (b) (1), the cathode current collector is recited as having a "third length and third height". The first and second height and length recitations of

part (b) (2) and many of the dependent claims were reversed and are corrected above.

Claims 1-18 and 37-81 should be allowable as a result of the above amendments correcting informalities and antecedent basis problems and the indication of allowability made by the Examiner.

Three claim sets, Claims 19-27, 28-35, and 82-90 have been rejected as obvious from the combined teachings of the Crespi et al. '997 patent and the Moses et al. '154 patent or and/or the West '405 patent, and, relative to certain dependent claims, further in view of the Kelm et al. '215. Claims 19-27 recite that the anode collector is shorter in length than the cathode collector. Claims 28-35 recite that the anode collector is shorter in height than the cathode collector. Claims 82-90 recite that the anode collector is shorter in length than the cathode collector and that the anode collector is shorter in height than the cathode collector.

The Examiner contends that it would be obvious to modify the Crespi battery structure presumed to have equally dimensioned anode and cathode current collectors by making the length and/or height of the anode current collector shorter than the length and/or height of the cathode current collector. There is no explicit description of the sizes of the anode and cathode current collectors in the Crespi patent (they are only mentioned in passing at col. 3, line 1). The Examiner finds a shorter length anode current collector than cathode current collector implied in the battery disclosed by Moses et al., and a shorter height anode current collector than cathode current collector in the capacitor disclosed by West et al. But there is no teaching of the desirability of making these specific dimensional changes in a battery of the type described in Crespi.

As noted by the Examiner, the West patent discloses a capacitor formed of mutually wound conductive films and a separator wherein the cathode electrode film is wider than the anode film. After the films are wound, the cathode electrode layer has a greater height, and each turn can contact the capacitor case while the anode electrode is supported away from the case. The

West patent therefore does not even disclose an anode or cathode current collector either for a capacitor or a battery. There is no teaching in the West patent that can be relied upon to show the desirability of modifying the Crespi battery as claimed in the rejected claims.

The Examiner makes a broad assertion that "the [battery fabrication] artisan would see from the patent of West that having a wider cathode current collector would provide advantages such as the ability to force-fit the electrode assembly within the can to prevent jostling and movement . . ." First of all, no support in either patent for this purported advantage is cited. The West capacitive cathode film turns are deeply inserted into the can to achieve firm electrical contact between the cathode film edge and the can. The claimed cathode and anode current collector relationship set forth in Claims 28-35 and 82-90 would not provide this result. The battery fabrication artisan would see no advantage in making the anode current collector smaller than the cathode current collector so that the latter could be force fit into the can. This asserted beneficial result does not even follow from doing so. Why would a battery artisan wish to jam the cathode current collector against the can?

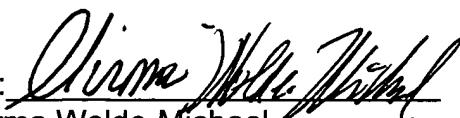
There simply is no logical reason for combining the teachings of the asserted patents in the manner suggested by the Examiner.

All of the claims have been carefully considered in light of what is fairly taught in the cited prior art and are believed to accurately and patentably distinguish the claimed invention from the prior art. It is respectfully submitted that the claims are in condition for allowance, and such action is respectfully

requested. The Examiner is respectfully invited to telephone the undersigned to discuss the claims if they are perceived to be not allowable for any reason.

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Respectfully Submitted,

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